

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS MEETING**

MINUTES

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on June 25, 2009, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Architects

James R. Boyd
John S. Clark, Jr.
J. Everette Fauber, III

Land Surveyors

John R. McAden
Nancy E. McIntyre
W. R. Stephenson, Jr.

Landscape Architects

Vaughn B. Rinner

Professional Engineers

Nico De León
Stanley C. Harris, Sr.
Wiley V. Johnson, III

Interior Designers

Lorri B. Finn
Cameron C. Stiles

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Nick A. Christner, Deputy Director for Compliance and Investigation
Mark N. Courtney, Deputy Director for Licensing and Regulation Division
Kathleen R. Nosbisch, Executive Director
Marian H. Brooks, Program Administrator
Amy Goobic, Administrative Assistant
Earlyne Perkins, Legal Analyst

Steven P. Jack, Assistant Attorney General, was present at the meeting.

Ms. Stiles, Chair, called the meeting to order at 9:05 a.m.

Ms. Finn moved to approve the agenda. Ms. McIntyre seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

Ms. Stiles requested the Board observe a moment of silence for APELSCIDLA Board member Bill Spell, Landscape Architect, who passed away April 17, 2009.

Ms. Stiles advised the Board of the emergency evacuation procedures.

Mr. McAden moved to approve the minutes for the following meetings as

Call to Order

Approval of Agenda

**Moment of Silence
For Bill Spell**

**Emergency
Evacuation
Procedures**

Approval of Minutes

amended:

- March 31, 2009, APELSCIDLA Board Meeting;
- March 31, 2009, Land Surveyor Section Meeting (Exam Workshop);
- March 31, 2009, Informal Fact-Finding Conference (LS);
- March 31, 2009, Informal Fact-Finding Conference (PE);
- April 10, 2009, Informal Fact-Finding Conference (PE);
- April 13, 2009, Informal Fact-Finding Conference (LS);
- May 5, 2009, Architects Section Meeting
- May 12, 2009, Professional Engineers Section Meeting; and
- May 20, 2009, Land Surveyors Section Meeting

Mr. Clark seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

Mr. DeBoer read the following resolution in memory of Bill Spell.

**Adoption of
Resolution in
Memory of Bill Spell**

RESOLUTION IN MEMORY OF

WILLIAM H. SPELL

WHEREAS, **William H. Spell** faithfully and diligently served as a member of the APELSCIDLA Board from July, 2003 to April 2009; and

WHEREAS, **William H. Spell** devoted generously of his time, talent and leadership to the APELSCIDLA Board; and

WHEREAS, **William H. Spell** endeavored at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and this profession; and

WHEREAS, the APELSCIDLA Board is grateful for the dedication and service of **William H. Spell** to the Board and to the citizens of the Commonwealth; and

WHEREAS, the APELSCIDLA Board mourns the passing of **William H. Spell** which occurred on April 17, 2009;

NOW THEREFORE BE IT RESOLVED, this twenty-fifth day of June 2009, that the APELSCIDLA Board expresses utmost regard and respect for **William H. Spell** and his professional legacy; and, so that all may know of the Board's depth of sorrow and its expression of sympathy, it is ORDERED this resolution be made a part of the official minutes of the Board and that a copy hereof be presented to the family of **William H. Spell**.

The resolution was adopted by consensus.

Mr. DeBoer welcomed Mrs. Elizabeth Spell and Ms. Molly Spell, Mr. Spell's wife and daughter. Mr. DeBoer presented the resolution to Mrs. Spell and her daughter.

There were no comments made to the Board.

**Public Comment
Period**

Mr. Gardner was present to address the Board. Mr. Gardner thanked the Board and commented on several of the violation counts that he did not feel were valid.

**File Number 2008-
02678, Benjamin
Russell Gardner**

Regarding **File number 2008-02678, Benjamin Russell Gardner**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Mr. Stephenson moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18VAC10-20-370.B (Count 1); 18VAC10-20-370.C.4 (Count 2); 18VAC10-20-370.D.2.d (Count 3); 18VAC10-20-370.C.5 (Count 4); 18VAC10-20-370.D.2.k (Count 5); 18VAC10-20-370.D.2.f (Count 6); and 18VAC10-20-370-D.1 (Count 7). Mr. McAden seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, Rinner, Stephenson and Stiles. As the reviewing Board member, Ms. McIntyre was not present during the discussion or vote.

After Ms. Perkins indicated that there have been no prior disciplinary actions against Mr. Gardner, Mr. Stephenson moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$1,000.00 for the violation contained in Count 1; \$250.00 for the violation contained in Count 2; \$250.00 for the violation contained in Count 3; \$500.00 for the violation contained in Count 4; \$100.00 for the violation contained in Count 5; \$100.00 for the violation contained in Count 6; and \$250.00 for the violation contained in Count 7, for a total monetary penalty of \$2,450.00. The Board also imposes the following sanctions: probation of license for the violation of the regulations; Mr. Gardner is required to submit evidence to the Board that he has attended a course in either boundary surveying or Virginia APELSCIDLA regulations. If such evidence is not submitted to the Board within 12 months, Mr. Gardner's license shall be suspended until evidence of course completion is received by the Board. Mr. McAden seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, Rinner, Stephenson and Stiles.

Ms. Scott was present for the meeting and available to the Board members should they have any questions for her.

**File Number 2009-
03412, Erin Tara**

Scott

Mr. Johnson recused himself, as he was a former co-worker of Ms. Scott's.

Regarding **File number 2009-03412, Erin Tara Scott**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Mr. Stephenson moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which states that Ms. Scott's experience does not meet the requirements to obtain a land surveyor's license and her application is denied at this time. Mr. McAden seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, McAden, Rinner, Stephenson and Stiles. As the reviewing Board member, Ms. McIntyre was not present during the discussion or vote.

Regarding **File number 2009-00527, Harkirat Singh**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as and the Section's recommendation. Mr. Harris moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites a violation of 18VAC10-20-700.A (Count 1) of the Board's regulations. Mr. De León seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Stephenson and Stiles. As the reviewing Board member, Mr. Harris was not present during the discussion or vote.

File Number 2009-00527, Harkirat Singh

After Ms. Perkins indicated that there have been no prior disciplinary actions against Mr. Singh, Mr. Johnson moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$500.00 fine for the violation contained in Count 1 as well as probation of Mr. Singh's professional engineer license. During the probation, any infraction of the Board's regulation will result in license suspension. Mr. De León recommended the length of license suspension be one year. Mr. Johnson moved to accept the sanctions as amended. Mr. De León seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Stephenson and Stiles.

Regarding **File Number 2009-02293, Brendan Thomas Lawrence**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Lawrence. Mr. Johnson moved to accept the Consent Order which cites the following violation: 18VAC10-20-20.A (Count1) of the Board's regulations. For this violation, Mr. Lawrence agrees to pay the following monetary penalty: \$150.00 in Board costs. In addition, Mr. Lawrence agrees not to retake the Fundamentals of Engineering examination until at least October 25, 2010. Mr. De León seconded the motion which was unanimously approved

File Number 2009-02293, Brendan Thomas Lawrence

by members: Boyd, Clark, De León, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Stephenson and Stiles. As the reviewing Board member, Mr. Harris was not present during the discussion or vote.

Regarding **File Number 2009-02653, Travis John Keys**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Keys. Mr. Johnson moved to accept the Consent Order which cites the following violations: 18VAC10-20-750.B (Count1) and 18VAC10-20-750.C (Count 2) of the Board's regulations. For these violations, Mr. Keys agrees to pay the following monetary penalties: \$250.00 for the violation contained in Count 1; there was no monetary penalty for the violation contained in Count 2; and \$150.00 in Board costs, for a total monetary penalty of \$400.00. Mr. Harris seconded the motion which was unanimously approved by members: Boyd, Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson and Stiles. As the reviewing Board member, Mr. De León was not present during the discussion or vote.

File Number 2009-02653, Travis John Keys

Regarding **File number 2008-03470, Robert R. Hollendonner**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as and the Section's recommendation. Mr. Clark moved to accept the Summary of the Informal Fact-Finding Conference which cites a violation of 18VAC10-20-790.A.3 (Count 1) of the Board's regulations. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson and Stiles. As the reviewing Board member, Mr. Fauber was not present during the discussion or vote.

File Number 2008-03470, Robert R. Hollendonner

After Ms. Perkins indicated that there have been no prior disciplinary actions against Mr. Hollendonner, Mr. Clark moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$1,000.00 fine for the violation contained in Count 1. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson and Stiles.

Regarding **File Number 2009-01586, James David Ribble, Jr.**, Ms. Perkins informed the Board that an amended Consent Order, approved by the Land Surveyor Section, will be sent to Mr. Ribble. Ms. McIntyre moved to accept the amended Consent Order and a 14 day acceptance period, the Consent Order cites the following violations of the Board's regulations: 18VAC10-20-380.C.1 (Count 1); 18VAC10-20-380.C.5 (Count 2); 18VAC10-20-380.C.6 (Count 3); 18VAC10-20-380.C.10 (Count 4); 18VAC10-20-380.C.15 (Count 5); and 18VAC10-20-380.C.17 (Count 6). For these violations, Mr. Ribble agrees to following monetary penalties: \$100.00 for the violation contained in Count 1; \$100.00 for the violation contained in Count 2; \$100.00 for the

File Number 2009-01586, James David Ribble, Jr.

violation contained in Count 3; \$100.00 for the violation contained in Count 4; \$100.00 for the violation contained in Count 5; \$100.00 for the violation contained in Count 6 and \$150.00 in Board costs, for a total of \$750.00. Additionally, Mr. Ribble is required to complete coursework on regulations and boundary surveys. If Mr. Ribble does not agree to the amended Consent Order, he will be able to request, in writing, an Informal Fact-Finding Conference.

Mr. McAden seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner and Stiles. As the presiding Board member, Mr. Stephenson was not present during the discussion, or vote.

Mr. Awni was present to address the Board. Mr. Awni stated that he has a BS in Architecture from University of Baghdad, a Masters in Architecture and 20 years of work experience in the field of architecture. Mr. Awni is seeking permission to sit for the PE exam.

File Number 2009-03357, Muhammad Awni

Regarding **File Number 2009-03357, Muhammad Awni**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding Board member. Mr. Johnson moved to accept the recommendation of the presiding Board member and approve Mr. Awni to sit for the FE examination under 18 VAC10-20-190.5 and may apply under 18VAC10-20-210.5 for the PE examination after successfully completing the FE exam. Mr. De León seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles. As the presiding Board member, Mr. Harris, was not present during the discussion, or vote.

The Board members took a break from 9:55 a.m. until 10:10 a.m.

Break

After reviewing the application and Agreement for Registration, Mr. Clark moved to accept the Agreement for Registration as seen and agreed to by Scott & Goble Architects, Inc. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

Agreement for Registration 2009-08, Scott & Goble Architects, Inc.

After reviewing the application and Agreement for Registration, Mr. Harris moved to accept the Agreement for Registration as seen and agreed to by MSE Technology Assistance, Inc. Mr. De León seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

Agreement for Registration 2009-10, MSE Technology Assistance, Inc.

After reviewing the application and Agreement for Registration, Mr. Harris moved to accept the Agreement for Registration as seen and agreed to by

Agreement for Registration 2009-11,

Phoenix Design Group, Inc. Ms. McIntyre seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

**Phoenix Design
Group, Inc.**

After reviewing the application and Agreement for Registration, Mr. McAden moved to accept the Agreement for Registration as seen and agreed to by Amteck of Kentucky, Inc. Ms. McIntyre seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

**Agreement for
Registration 2009-12,
Amteck of Kentucky,
Inc.**

Mr. Fauber moved to approve the following meeting dates for 2010:

**Consideration of
2010 Meeting Dates**

APELSCIDLA Board

March 23
June 17
September 15
December 16

Architects Section

February 3
May 18
July 27
October 27

Professional Engineers Section

February 9
May 11
August 4
November 3

Land Surveyors Section

February 17
May 19
August 11
November 16

Interior Designers Section

February 18
May 6
July 26
October 28

Landscape Architects Section

February 11
May 13
August 5
November 9

Ms. Finn seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

Ms. Nosbisch reported that a Board member had received a flier stating the company's continuing education courses were "approved and accepted" in Virginia. Ms. Nosbisch informed the Board that a letter had been sent to the company requesting the removal of 'Virginia' in their marketing materials, as the Board is not pre-approving any continuing education courses. Ms. Nosbisch requested the Board members send in any marketing fliers they may

**Discussion of
Advertisement of
Continuing
Education Courses**

receive which have Virginia listed as approving courses.

Ms. Nosbisch informed the Board that a Regulatory Review is needed. The regulatory review topic will be on the agenda of the next section meetings, followed by the formation of a committee with a representative from each section to develop changes to current regulations.

Regulatory Review

Ms. Nosbisch informed the Board that as Vice-Chair Nancy E. McIntyre will assume the position of Chair of the Board for the term beginning July 1, 2009, and ending June 30, 2010. Mr. Clark moved to nominate Mr. Fauber as Vice-Chair. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

Election of Officers

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

Comprehensive Report of CID Activity

Mr. Christner addressed the Board regarding investigating telephone listings and advertisements of unlicensed professionals. Mr. Christner reported that CID had developed a project for interns to research the 'yellow page' listings for incidences of unlicensed professionals. The project was suspended due to the overwhelming amount of resources that it would require.

The Board members were provided with financial statements from April 2009 for informational purposes.

Review of Board Financial Statements

Ms. Nosbisch informed the Board that the Professional Engineers section voted her as the funded delegate for the NCEES 2009 Annual Meeting, but needed to have the approval of the full Board. Ms. McIntyre moved to have Ms. Nosbisch be the funded delegate. Ms. Rinner seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

Other Business

Discussion was held on the Invitation for Bid process from the Department of General Services. A copy of a recent IFB was provided to the Board and the members remarked that in many instances, the requirements were bordering on 'professional services' and if using the term 'architect' or 'engineer' it must be a licensed professional.

Mr. Fauber reported on the recent NCARB Annual Meeting in Chicago attended by himself, Ms. Nosbisch and Mr. Boyd. He also discussed the recent press release regarding the ARE fee increase due to incidents of exam content disclosure by ARE candidates. Mr. Fauber informed the Board that NCARB now has 2 full time employees checking websites for any exam content breaches. Additionally, Mr. Fauber reported that Ms. Nosbisch was recruited for and has accepted a position on the NCARB Member Board Executives Committee.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 10:55 a.m.

Adjourn

Cameron C. Stiles, Chair

Jay W. DeBoer, Secretary